

Transmittal Letter to the United States
Designated/Elected Office (DO/EO/US)

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FORM PTO-1390

Docket No. : LZ-90PCT
U.S. Application No. : 10/509,002
International Application No. : PCT/EP02/04161
International Filing Date. : April 15, 2002
Priority Date Claimed :
Title of Invention : DOOR AND GUIDE RAIL ARRANGEMENT
Applicant(s) for (DO/EO/US) : Thomas J. Hörmann and Herbert Brinkmann

DT07 Rec'd PCT/PTO 27 DEC 2004

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ___ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. X This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ___ This express request to begin national examination procedures 35 U.S.C. 371 (f) at any time rather than delay examination until the expiration of the applicable time limit set forth in 35 U.S.C 371(b) and PCT Articles 22 and 39(1).
4. ___ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ___ A copy of the International Application as filed [35 U.S.C. 371(c)(2)].
 - a) ___ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b) ___ has been transmitted by the international Bureau.
 - c) ___ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ___ A translation of the International Application into English [35 U.S.C.371(c)(2)].
7. ___ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C.371(c)(3)].
 - a) ___ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b) ___ have been transmitted by the International Bureau.
 - c) ___ have not been made; however, the time limit for making such amendments has NOT expired.
 - d) ___ have not been made and will not be made.
8. ___ A translation of the amendments to the claims under PCT Article 19 [35 U.S.C.371(c)(3)].
9. ___ An oath or declaration of the inventor(s) [35 U.S.C.371(c)(4)].
10. ___ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C.371(c)(5)].

Items 11. to 16. below concern other document(s) or information included:

11. ___ An Information Disclosure Statement under 37 C.F.R. 1.97 and 198.
12. ___ An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ___ A FIRST preliminary amendment.
___ A SECOND or SUBSEQUENT preliminary amendment.
14. ___ A substitute specification.
15. ___ A change of power of attorney and/or address letter.
16. X (other items or information) ENGLISH TRANSLATION OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

I hereby certify that this correspondence is being deposited with the United States Postal Service First Class mail under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 22, 2004


Friedrich Kueffner

BEST AVAILABLE COPY

17. ☒ The following fees are submitted:

CALCULATIONS - PTO USE ONLY

BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]:

- ☒ Search Report has been prepared by the EPO or JPO..... \$ 1,000.00
- ☐ International preliminary examination fee paid to USPTO [37 CFR 1.482]:..... \$
- ☐ No International preliminary examination fee paid to USPTO [37 CFR 1.482]
but International search fee paid to USPTO [37 CFR 1.445(a)(2)]:..... \$
- ☐ Neither International preliminary examination fee [37 CFR 1.482] nor
International search fee [37 CFR 1.445(a)(2)] paid to USPTO:..... \$
- ☐ International preliminary examination fee paid to USPTO [37 CFR 1.482]
and all claims satisfied provisions of PCT Article 33 (2) to (4):..... \$

ENTER APPROPRIATE BASIC FEE AMOUNT: \$

Surcharge of \$ 130.00 for furnishing the oath or declaration later than 20 30 months
from the earliest claimed priority date [37 CFR 1.492(e)] \$

Claims	filed	Extra	Rate
Total Claims	7	-20=	x \$ 50. = \$
Indep. Claims	1	- 3=	x \$200. = \$
() Multiple Dependent Claim Presented?			x \$360. = \$

TOTAL OF ABOVE CALCULATIONS: \$

Small Entity Status is being claimed (divided by 2) \$

SUBTOTAL: \$

Processing fee of \$ 130.00 for furnishing the English Translation later than 20 30 months
from the earliest claimed priority date [37 CFR 1.492(f)] \$

TOTAL NATIONAL FEE: \$

Fee for recording the enclosed assignment [37 CFR 1.21(h)] The assignment must be
accompanied by an appropriate cover sheet [37 CFR 3.28.3.31]. \$ 40.00 per property \$

TOTAL FEE ENCLOSED: \$
AMOUNT TO BE REFUNDED: \$ Refunded
AMOUNT TO BE CHARGED: \$ Charged

- a) ☐ A check in the amount of \$ 0 to cover the above fees is enclosed.
- b) ☐ Please charge my Deposit Account No. 11-1835 in the amount of \$ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c) ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 11-1835. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 36 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)]
must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: Friedrich Kueffner
317 Madison Avenue
Suite 910
New York, NY 10017

Friedrich Kueffner
Name


signature

29,482
Reg. No.

December 22, 2004
Date

CUSTOMER NUMBER: 00040570

Translation

PATENT COOPERATION TREATY

PCT/EP2002/004161



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Eingreifschutz	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2002/004161	International filing date (day/month/year) 15 April 2002 (15.04.2002)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC E05D 15/16		
Applicant HÖRMANN KG BROCKHAGEN		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>6</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 13 November 2003 (13.11.2003)	Date of completion of this report 21 July 2004 (21.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2002/004161

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ The international application as originally filed/furnished
- ☒ the description:
- | | | | |
|--------|---------|-------------------------------|---------------------------------|
| pages | 2, 6, 7 | | , as originally filed/furnished |
| pages* | 1, 4, 5 | received by this Authority on | 29 April 2004 (29.04.2004) |
| pages* | 3 | received by this Authority on | 05 July 2004 (05.07.2004) |
- ☒ the claims:
- | | | | |
|--------|-----|-------------------------------|---|
| pages | | | , as originally filed/furnished |
| pages* | | | , as amended (together with any statement) under Article 19 |
| pages* | 2-7 | received by this Authority on | 29 April 2004 (29.04.2004) |
| pages* | 1 | received by this Authority on | 05 July 2004 (05.07.2004) |
- ☒ the drawings:
- | | | | |
|--------|-----|-------------------------------|---------------------------------|
| pages | 1/1 | | , as originally filed/furnished |
| pages* | | received by this Authority on | |
| pages* | | received by this Authority on | |
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 7	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 7	YES
	Claims		NO

2. Citations and explanations

5. D2 (EP 1 114 908 A) is considered the prior art closest to independent claim 1.

5.2.1 D2 concerns (see, in particular, figures 1 and 5) a door having the features of the preamble of claim 1, in particular having:

- a) a guide rail arrangement with
- b) a rail element (10);
- c) a securing arrangement (11) comprising a first (30) and a second (31) limb; and
- d) a protective element (21, 22, 28).

5.2.2 The present invention can be considered to address the **problem** of improving the ease of assembly of the guide rail of a door such as that claimed whilst providing protection against trapping.

5.2.3 The solution indicated in the present application consists of the following:

- a) the guide rail arrangement is associated with at least one **protective element** which can be affixed to at least one of the securing elements and bridges a gap between the rail element and

the wall; and

- b) the second limb has a receiving area in the form of a depressed portion for receiving a securing region of the protective element.

5.2.4 This combination of features contained in claim 1 is neither disclosed nor suggested by the available prior art. The subject matter of claim 1 is therefore novel and inventive (PCT Article 33(2) and (3)).

5.3 Since claims 2 to 6 are dependent on claim 1, the subject matter thereof is likewise novel and inventive.

5.4 D1 is considered the prior art closest to independent claim 7.

5.4.1 D1 discloses (see, in particular, figures 1, 2 and 5) a guide rail arrangement comprising:

- a) a rail element (40);
- b) a securing arrangement (10), comprising a first (22) and a second (24) limb; and
- c) a protective element (45).

5.4.2 The solution to the problem of interest consists, as per the characterising part of claim 7, of the following:

- a) the second limb has a receiving area in the form of a depressed portion.

5.4.3 This combination of features contained in claim 7 is neither disclosed nor suggested by the available prior art. The subject matter of claim 7 is

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therefore novel and inventive (PCT Article 33(2) and (3)).

- 5.5 The subject matter of claims 1 to 7 is industrially applicable (PCT Article 33(4)).

Miscellaneous

- 6.1 The features of the claims are not followed by reference signs placed between parentheses (PCT Rule 6.2(b)).
- 6.2 If the invention is pursued further as a European application, attention is drawn to the new wording of EPC Rule 29(2).

Pursuant to EPC Article 84 in conjunction with Rule 29(2), an application may contain more than one independent claim per category only if the claimed subject matter is covered by one of the exceptional situations specified under letters a, b or c of EPC Rule 29(2).